

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PEGGY K. ATTERBERRY,

Plaintiff,

vs.

Civ. No. 14-908 KG/KK

SAFECO INSURANCE COMPANY OF AMERICA,

Defendant.


ORDER

This matter comes before the Court upon Plaintiff's Motion to Remand to State Court, filed on October 21, 2014. (Doc. 7). The Court conducted a hearing on the Motion to Remand to State Court on November 19, 2014, in which David Martinez and Kaitlyn Luck represented Plaintiff, and Shannon Parden and Shauna Zimmerman represented Defendant. At the close of the hearing, the Court, having considered the motion, briefs, and relevant law, and being otherwise fully informed, granted the Motion to Remand. Moreover, the Court having fully considered Plaintiff's request for an award of attorneys' fees finds that Defendant had an objectively reasonable basis for removal. *See Martin v. Franklin Capital Corp.*, 546 U.S. 132, 136 (2005) ("absent unusual circumstances, attorney's fees should not be awarded when the removing party has an objectively reasonable basis for removal."). Hence, the Court denies Plaintiff's request for an award of attorneys' fees.

IT IS, THEREFORE, ORDERED that

1. for the reasons stated on the record at the November 19, 2014, hearing, the Plaintiff's Motion to Remand to State Court is granted;
2. Plaintiff's request for an award of attorneys' fees is denied; and

3. this lawsuit will be remanded to the Second Judicial District Court, County of Bernalillo, State of New Mexico.



UNITED STATES DISTRICT JUDGE